

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

ERNESTO GALARZA)	
)	Civil Action
Plaintiff)	No. 10-cv-06815
)	
vs.)	
)	
MARK SZALCZYK,)	
GREG MARINO, and)	
CHRISTIE CORREA, in their)	
individual capacities, and)	
CITY OF ALLENTOWN, and)	
LEHIGH COUNTY,)	
)	
Defendants)	

O R D E R

Now, this 30th day of March, 2012, upon consideration of the following documents:

- (1) Defendant Mark Szalczyk's Motion to Dismiss the Amended Complaint, which motion to dismiss was filed May 20, 2011 (Document 55); together with
 - (A) Memorandum of Law in Support of Defendant Mark Szalczyk's Motion to Dismiss the Amended Complaint, which memorandum of law was filed May 20, 2011 (Document 55);
 - (B) Plaintiff's Memorandum in Opposition to Defendant Szalczyk's Motion to Dismiss, which memorandum was filed June 20, 2011 (Document 63); and
 - (C) Defendant Mark Szalczyk's Reply in Support of His Motion to Dismiss the Amended Complaint, which reply was filed on July 1, 2011 (Document 64);
- (2) Defendant Gregory Marino's Motion to Dismiss the Amended Complaint, which motion to dismiss was filed June 17, 2011 (Document 62); together with
 - (A) Memorandum of Law in Support of Defendant Gregory Marino's Motion to Dismiss the Amended Complaint, which memorandum of law was filed June 17, 2011 (Document 62); and
 - (B) Plaintiff's Memorandum in Opposition to Defendant Marino's Motion to Dismiss, which memorandum was filed July 8, 2011 (Document 67);

- (3) Defendants, City of Allentown and Christie Correa's Motion to Dismiss Plaintiff's Amended Complaint Pursuant to Fed.R.Civ.P. 12(b)(6), which motion to dismiss was filed April 25, 2011 (Document 51) ("Allentown/Correa Motion"); together with
 - (A) Memorandum of Law in Support of Defendants, City of Allentown and Christie Correa's Motion to Dismiss Amended Complaint Pursuant to Fed.R.Civ.P. 12(b)(6), which memorandum of law was filed April 25, 2011 (Document 51-1); and
 - (B) Plaintiff's Memorandum in Opposition to Motion to Dismiss by Defendants City of Allentown and Christie Correa, which memorandum was filed May 23, 2011 (Document 57);
- (4) Defendant Lehigh County's Motion to Dismiss the First Amended Complaint Under F.R.C.P. 12(b)(6), which motion to dismiss was filed April 25, 2011 (Document 50); together with
 - (A) Defendant Lehigh County's Memorandum of Law in Support of Its Motion to Dismiss the First Amended Complaint Under F.R.C.P. 12(b)(6), which memorandum of law was filed April 25, 2011 (Document 50-1); and
 - (B) Plaintiff's Memorandum in Opposition to Defendant Lehigh County's Motion to Dismiss the First Amended Complaint Under F.R.C.P. 12(b)(6), which memorandum was filed May 23, 2011 (Document 58); and
- (5) First Amended Complaint, filed by plaintiff on April 6, 2011 (Document 46); together with
 - (A) Exhibit A, "Allentown Police Department and Immigration and Custom[s] Enforcement (ICE) Collaboration", undated (Document 46-1);
 - (B-1) Exhibit B, U.S. ICE Detainer for plaintiff Ernesto Galarza, dated November 21, 2008, and signed by defendant Mark Szalczyk, (Document 46-1); and
 - (B-2) Exhibit B, cancellation of U.S. ICE Detainer for plaintiff Ernesto Galarza, dated November 24, 2008;

after oral argument held December 15, 2011; and for the reasons expressed in the accompanying Opinion,

IT IS ORDERED that Defendant Mark Szalczyk's Motion to Dismiss the Amended Complaint is granted in part and denied in part.

IT IS FURTHER ORDERED that plaintiff's procedural due process claim against defendant Mark Szalczyk is dismissed from the First Amended Complaint.

IT IS FURTHER ORDERED that Defendant Mark Szalczyk's Motion to Dismiss the Amended Complaint is denied to the extent that it seeks to dismiss plaintiff's Fourth Amendment and equal protection claims against defendant Mark Szalczyk.

IT IS FURTHER ORDERED that Defendant Gregory Marino's Motion to Dismiss the Amended Complaint is granted.

IT IS FURTHER ORDERED that plaintiff's claims against defendant Gregory Marino are dismissed from the First Amended Complaint.

IT IS FURTHER ORDERED that Defendants, City of Allentown and Christie Correa's Motion to Dismiss Plaintiff's Amended Complaint Pursuant to Fed.R.Civ.P. 12(b)(6) is granted in part and denied in part.

IT IS FURTHER ORDERED that plaintiff's procedural due process claim against defendant Christie Correa is dismissed from the First Amended Complaint.

IT IS FURTHER ORDERED that the Allentown/Correa Motion is denied to the extent that it seeks to dismiss plaintiff's Fourth Amendment and equal protection claims against defendant Christie Correa.

IT IS FURTHER ORDERED that plaintiff's claims against defendant City of Allentown are dismissed from the First Amended Complaint.

IT IS ORDERED that Defendant Lehigh County's Motion to Dismiss the First Amended Complaint Under F.R.C.P. 12(b)(6) is granted.

IT IS FURTHER ORDERED that plaintiff's claims against Lehigh County are dismissed are dismissed from the First Amended Complaint.

BY THE COURT:

/s/ James Knoll Gardner
James Knoll Gardner
United States District Court